

REMARKS/ARGUMENTS

Claim Objection

The Office rejected **claim 5** as being of improper dependent form for reciting sulfurous acid as an organic compound. The applicant respectfully disagrees, nevertheless canceled the term "sulfurous acid" from claim 5. The claim objection should therefore be withdrawn.

35 USC §102

The Office rejected **claims 1-4 and 8-10** as being anticipated under 35 USC §102(e) by Clarke (U.S. Pat. App. No. 2003/0162087). The applicant respectfully disagrees for various reasons.

More specifically, the presently pending claims expressly require a secondary battery in which "... oxygen and a dendrite-forming metal form a redox pair..." (claim 1) or a "zinc-air secondary battery..." (claim 21). The applicant points out that the '087 application cited by the office has a filing date of February 12, 2003, and further claims priority to US 60/357678, which in turn has a filing date of February 12, 2002. However, a review of the '678 priority application revealed that the priority document did not disclose secondary batteries in which zinc and oxygen form a redox couple. Thus, the proper §102(e) prior art date with respect to a secondary battery in which zinc and oxygen form a redox pair in an acidic electrolyte is February 12, 2003, the filing date of the '087 application.

Still further, the presently pending claims also expressly require that "...a compound [is present] at a concentration effective to provide acidity to the electrolyte and to reduce dendrite formation of the metal during charging..." (claims 1 and 21). This limitation is also not taught by Clarke et al. Therefore, and at least for these reasons, the rejection of claims 1-4 and 8-10 as being anticipated under 35 USC §102(e) by Clarke et al. is improper and should be withdrawn.

35 USC §103

The Office rejected **claim 5** as being obvious under 35 USC §103 over Clarke et al. in view of Fleischer et al. (U.S. Pat. No. 6,225,009). The applicant again respectfully disagrees.

First, it is noted that Clarke et al. fail to provide a proper reference for the same reasons as discussed above. Second, and contrary to the examiner's assertion that Fleischer would teach an electrolyte comprising methane sulfonic acid or polyvinyl sulfonic acid, Fleischer teaches use of liquid proton conducting materials on the anode and/or cathode. Clearly, an anode or cathode comprising a proton conducting material is not an electrolyte. Therefore the rejection of claim 5 as being obvious under 35 USC §103 over Clarke et al. in view of Fleischer et al. is improper and should be withdrawn.

The Office rejected **claim 6** as being obvious under 35 USC §103 over Clarke et al. in view of Awano (JP 57-101359). The applicant again respectfully disagrees.

Again, it is noted that Clarke et al. fail to provide a proper reference for the same reasons as discussed above. Further, Awano teaches use of brighteners to inhibit dendrite formation, which is contrary to the claimed subject matter and as such teaches against use of the claimed compound (attention is drawn to the fact that claim 6 requires the battery to *further* comprise a brightener). Therefore the rejection of claim 6 as being obvious under 35 USC §103 over Clarke et al. in view of Awano is improper and should be withdrawn.

The Office rejected **claim 7** as being obvious under 35 USC §103 over Clarke et al. in view of Awano and further view of Popescu (U.S. Pat. No. 4,226,682). The applicant again respectfully disagrees.

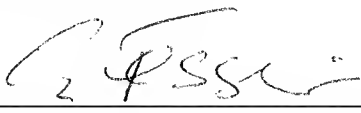
Once more, it is noted that Clarke et al. fail to provide a proper reference for the same reasons as discussed above. Similarly, with respect to Awano, the same defects as pointed out apply. It should be noted that the presently claimed subject matter requires the compound that provides acidity to the electrolyte to also reduce dendrite formation. In contrast, Awano uses specific brighteners, which are further detailed in Popescu. Therefore, the rejection of claim 7 as being obvious under 35 USC §103 over Clarke et al. in view of Awano and Popescu is improper and should be withdrawn.

Request For Allowance

Claims 1-11 and 21-24 are pending in this application. Claims 12-20 remain withdrawn.
The applicant requests allowance of all pending claims.

Respectfully submitted,
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